IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M No.4056 CI of 2007 in
RFA No.1764 of 1996 (O&M)

Date of Decision 01.10.2007

Dharam Singh

…Appellant

Versus

State of Haryana and another

…Respondents.

VINOD K.SHARMA,J (Oral)

Present : Mr.K.S.Malik, Advoate for the applicant-appellant
Mr.Amit Kaushik, AAG, Haryana.

C.M.No.4056 CI of 2007 is an application under Section 151 of the Code of Civil Procedure praying therein that the appeal filed by the applicant-appellant be disposed of in terms of the decision of this Court in RFA No.1379 of 1994 titled as '**Nand Lal and others vs. State of Haryana and others**' decided on 29.11.2006.

It has been averred in the application that Notification under Section 4 of the Land Acquisition Act, 1894 (hereunder referred to as the 'Act') was issued on 23.2.1989 and proposal was to acquire 324-25 acres of land situated in Patti Insar and Patti Magdum Jagdan Tehsil Panipat. A declaration under Section 6 of the Act was issued vide notification dated 22.2.1990. The award was passed by the learned Collector on 20.2.1996 and the land was classified into two categories. The market value of the said land was assessed at Rs.2,00,000/- (Rs.41/- per square yard) for Nehri and Chahi

and market value for Gair Mumkin land was assessed to be Rs.1,50,000 (Rs.31/- per square yard).

The land-owners filed appeals against the said compensation awarded by the Collector as enhanced by the learned District Judge. One of the appeals was RFA No.1379 of 1994 titled as '**Nand Lal and others vs. State of Haryana and others**' **(supra)** which was decided by this Court on 29.11.2006 and the compensation was enhanced to Rs.125/- per square yard for all categories of land without any distinction and the appeal filed against the said judgment was also dismissed. It is prayed that as the appeal filed by the applicant, was squarely covered by the said judgment, the same be allowed on the said terms. Notice of the application was given to the State and after availing number of opportunities, no reply has been filed and therefore, averments made in the application go un-rebutted that the matter in the appeal is squarely covered.

Consequently, C.M. is allowed and the present Regular First Appeal No.1764 of 1996 tiled as 'Dharam Singh vs. State of Haryana and another' is allowed in the same terms as in RFA No.1379 of 1994 titled as 'Nand Lal vs. State of Haryana and others' on 29.11.2006.

[Vinod K.Sharma]
Judge

01.10.2007

sd